

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

MARY LOUISE HAYNES,

Petitioner,

v.

CIVIL ACTION NO. 2:20-cv-00528
(Criminal No. 2:18-cr-00129)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

On August 6, 2020, the Petitioner, proceeding *pro se*, filed her *Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody* (Document 136). Subsequent *pro se* filings by the Petitioner include a letter (Document 158) filed on April 1, 2022, and a *Request for Motion 60(b)* (Document 160) filed on April 14, 2022, both of which are construed as seeking additional relief under § 2255.

By *Standing Order* (Document 137) entered on August 7, 2020, the matter was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On April 15, 2022, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 161) wherein it is recommended that this Court deny the Petitioner's § 2255 motion (Document 136), deny her *pro se* letter seeking relief under *Campbell* (Document 158) and her *Request for Motion 60(b)* (Document 160) to the extent the same are treated as amendments to the


§ 2255 motion, and dismiss this action from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by May 2, 2022.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Petitioner's *Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody* (Document 136) be **DENIED**, that her *pro se* letter seeking relief under *Campbell* (Document 158) and her *Request for Motion 60(b)* (Document 160) be **DENIED** to the extent the same are treated as amendments to the § 2255 motion, and that this matter be **DISMISSED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Tinsley, counsel of record, and any unrepresented party.

ENTER: May 12, 2022


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA